

REMARKS

As a preliminary matter, the Examiner has correctly noted that claim 22 indicated an incorrect status identifier in Amendment B, filed May 31, 2005. Claim 22 is correctly identified herein as being “Currently Amended.”

Claim 24 stands rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner asserts that the present Specification does not disclose a combination of first and second orientation control elements on both substrates that corresponds to the recited limitations of claims 22 and 24. The subject matter of claim 24 has been incorporated into independent claim 22, and therefore Applicants will address this rejection with respect to claim 22.

Applicants traverse the Examiner’s assertions that the Specification shows “only protrusions” (Figs. 18, 23B, 26A-B. In fact, the Specification repeatedly discloses (page 24, lines 24-27; page 42, lines 24-27; page 45, lines 12-15; page 46, lines 12-15; page 50, lines 3-6) that the first and second orientation control elements can be either protrusions or slits. Figs. 22 and 23A also show that the same orientation control element can be formed on both substrates. Accordingly, the outstanding Section 112 rejection (as applied to newly amended claim 22) is based on an incorrect reading of the Specification and should be withdrawn.

Claims 22-23, 25-26, and 34-35 stand rejected under 35 U.S.C. 102(e) as being anticipated by Kim et al. (U.S. 6,567,144). Claim 25 has been cancelled without prejudice herein, rendering the rejection of this claim now moot. The subject matter of claim 24 has

been incorporated into independent claim 22, and Applicants traverse the rejection of claim 22 (and its dependent claims 23, 26, and 24-25) for at least this reason. The Examiner did not reject claim 24 as being anticipated by Kim.

Claims 22-26 stand rejected under 35 U.S.C. 103(s) as being unpatentable over “Kim et al.,” which the Examiner refers to as U.S. Patent No. 6,567,144, in view of Koma (U.S. 6,229,589). This rejection is initially deficient because it is not clear what prior art reference is being cited by the Examiner as the base reference for the rejection. U.S. Patent No. 6,567,144 is a patent to “Song,” and not to “Kim.” It is not clear whether the Examiner means to cite a new rejection based on this patent to Song, or to combine the same previous Kim reference (U.S. 6,567,144), as cited in the previous Section 102 rejection. Nevertheless, Applicants submit that neither combination of references would read upon claims 22-23 and 26 of the present invention (claims 24 and 25 being cancelled herein).

Whichever reference the Examiner means to cite as the base reference, the Examiner at least acknowledges that this base reference does not teach a second orientation control element having the recited features of independent claim 22 of the present invention. The Examiner relies only upon the Koma reference for teaching a “second” orientation control element. The Examiner’s reliance on Koma though, is misplaced because Koma does not teach a “second” orientation control element. Moreover, the Examiner has not cited any teaching or suggestion from the references themselves that would motivate one skilled in the art to make the proposed combination.

It is inappropriate for the Examiner to assert that Koma's control window 50 is a "second orientation control element" when Koma does not teach any "first" orientation control element. It is not enough for the Examiner to pick one element from one reference, and choose a second element from another reference, and merely assert that the two different elements read upon the first and second orientation control elements of the present invention. Instead, the Examiner must demonstrate how the prior art teaches or suggests the combination.

The present invention does not merely claim two orientation control elements, but in fact, independent claim 22 of the present invention specifically recites two separate and distinct orientation control elements together in the same device, and having a specific configuration in relation to one another. Even if the Examiner were correct (which Applicants do not concede) that the two cited prior art elements individually read upon the first and second orientation control elements respectively of the present invention, the Examiner was additionally required to show where the prior art teaches or suggests to combine the two cited elements, and exactly as they are recited by claim 22 of the present invention. In the present case, however, the Examiner has not done so.

Furthermore, Applicants submit that the Examiner would not be able to find any such teaching or suggestion within the references that would support the proposed combination. Koma's control window 50 is only shown to operate as a window through the entire width of the common electrode 31. Koma never teaches or suggests that a protrusion, such as in the present invention, could substitute for the window 50. More importantly, Koma

never teaches or suggests that the control window 50 can operate on both substrates. The first orientation element of the present invention, on the other hand, is recited to be provided on the first and second substrates. Accordingly, because the Examiner has not identified any equivalent structure, or combination of structures, in either Koma or the base reference, the proposed combination of references is deficient, and the rejection based thereon should be withdrawn.

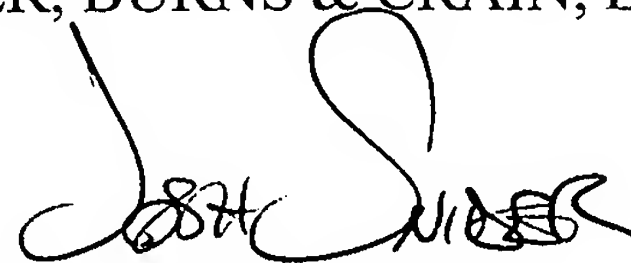
Additionally, Applicants further submit that Koma's orientation control window 50 could not read upon the second orientation control element of the present invention, as asserted by the Examiner. The subject matter of claim 24, which is now incorporated into independent claim 22, recites that the second orientation control element is a slit formed in the pixel electrode. Koma, however, clearly illustrates (Fig. 4) that the control window 50 is formed in the *common* electrode 31 which is located on the substrate 30 opposite *to* the pixel electrode 19. Accordingly, for at least these additional reasons, the outstanding rejection based in part on the Koma reference should again be withdrawn.

For all of the foregoing reasons, Applicants submit that this Application, including claims 22-23, 26 and 34-35, is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By



Josh C. Snider

Registration No. 47,954

Customer No. 24978

November 23, 2005

300 South Wacker Drive

Suite 2500

Chicago, Illinois 60606

Telephone: (312) 360-0080

Facsimile: (312) 360-9315

P:\DOCS\1117\68338\9P8627.DOC